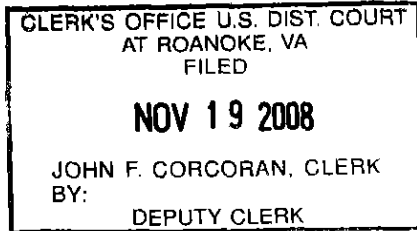


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



ROY D. SMITH,)	
Petitioner,)	Civil Action No. 7:08cv00514
)	
v.)	<u>FINAL ORDER</u>
)	
GENE M. JOHNSON)	
Director, Va. Dept. of Corrections)	By: Samuel G. Wilson
Respondent.)	United States District Judge

In accordance with the memorandum opinion entered this day, it is hereby **ORDERED** and **ADJUDGED** that the above referenced 28 U.S.C. § 2254 petition is **DISMISSED**. This action is stricken from the active docket of the court.

Smith is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within 30 days of the date of entry of this order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).

ENTER: This 19th day of November, 2008.


UNITED STATES DISTRICT JUDGE